IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3612 OF 2003

ALONGWITH

CRIMINAL APPEAL NO. OF 2003

Shri Prakashchandra S. Pandey .....Applicant/Appellant

V/s.

The State of Maharashtra & Anr. .....Respondents

Mr.Niranjan Mundargi for Applicant/Appellant.
Mrs.M.M. Deshmukh, APP for the State/Respondent No1.

CORAM : V.M. KANADE, J.

DATED : 29th SEPTEMBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant/Appellant. None appears on behalf of Respondent No.2 though served.

2. Leave is granted. Admit. Appeal is taken up for final hearing forthwith.

3. Applicant/Appellant is challenging the order passed by the learned Metropolitan Magistrate whereby he was pleased to dismiss the complaint on account of absence of Complainant.

4. Learned counsel for the Applicant invited my attention to Roznama

which is annexed to the application. He submitted that only on three occasions, the Complainant had remained absent and it was because that there was some mis-understanding regarding date and, therefore, the Applicant and his advocate were absent.

5. In my view, the Applicant has shown sufficient reason for not remaining present. Impugned order, therefore, is set aside. Criminal case is restored to the file. Trial Court to decide the case as expeditiously as possible

. Criminal Application and Criminal Appeal are, accordingly, disposed of.

V.M. KANADE, J.